

**IN THE MUNICIPAL COURT OF THE CITY OF BROOKHAVEN
DEKALB COUNTY
STATE OF GEORGIA**

IN RE: Court Procedures for COVID-19

Date: August 27, 2021

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THIRD STANDING ORDER ON COURT PROCEDURES

WHEREAS, the Governor's declaration of a Public Health State of Emergency due to the spread of the Coronavirus/COVID-19 has expired;

WHEREAS, the Chief Justice's declaration of a Statewide Judicial Emergency has expired;

WHEREAS, the City of Brookhaven, situated in DeKalb County, Georgia, is still experiencing high levels of community transmission of COVID-19, especially the Delta variant;

WHEREAS, the Court successfully and safely remained open and served the public during the Emergency declarations;

WHEREAS, the CDC and this Court found masking and social distancing to help prevent the spread of COVID-19;

WHEREAS, this Court formulated a plan to reopen, previously updated July 20, 2020, and updated again as of today's date, incorporated herein by reference;

NOW THEREFORE, the Court hereby Orders as follows:

All in-person Court sessions shall be conducted using the following procedures:

1. Prior to entry into the publicly accessible areas of the Brookhaven Public Safety Building, individuals (including court personnel) are required to:
 - a. Notify court personnel if they are experiencing any COVID-19 symptoms.
 - b. Wear a face mask covering the nose and mouth at all times while inside the publicly accessible areas of the building while court is in session. Masks will be provided to individuals who do not bring their own.
 - c. Be offered the use of hand sanitizer provided by the court when entering the building.
 - d. Anyone who refuses a or b, above, will not be admitted into the building except to obtain a reset notice at the clerk's window.

- e. Anyone who violates these rules after entering the building may be held in direct contempt of Court and subject to fines and incarceration.
2. Family and friends will be discouraged from entering the building except in cases where a parent or guardian is accompanying a defendant who is 17 to 21 years old or a victim or witness under the age of 17.
3. Social distancing will be maintained in the courtroom and the lobby.
4. The number of individuals in the courtroom shall be limited to 30.
5. Every individual shall attempt to maintain a minimum of six feet of space between themselves and other individuals except when consulting with counsel or a family member, exchanging required paperwork, or separated by plexiglass barriers.
6. Chairs in the courtroom shall be spaced to maintain six feet of distance between individuals. The floor is marked where chairs should be placed.
7. Hand sanitizer will be available to individuals leaving the building.
8. The courtroom will be cleaned and sanitized between court sessions.
9. Online, outside the building, and in the lobby general guidelines will be posted in English and Spanish.
10. A copy of this Order shall be posted outside the building for public review.

IT IS SO ORDERED this 27th day of August, 2021.

Jonathan R. Granade

Jonathan R. Granade, Chief Judge
Brookhaven Municipal Court
DeKalb County, Georgia

Laura Stevenson

Laura Stevenson, Judge
Brookhaven Municipal Court
DeKalb County, Georgia

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Brookhaven Municipal Court Memorandum

To: Christian Sigman, City Manager
Shirley Archer, Court Administrator
Greg Schwarz, Solicitor
Major Jones-Harrell, BPD
Paul Odum, PPS Probation
G. Rueda, Interpreter

From: Jonathan R. Granade, Chief Judge
Laura Stevenson, Sr. Associate Judge

Date: August 27, 2021

Re: Revised Brookhaven Municipal Court COVID-19 Plan (updating Plan dated July 20, 2020)

I. Introduction

The Brookhaven Municipal Court (the “Court”) has remained open during the COVID-19 pandemic providing access to justice in cases of an essential and critical nature and to address matters that can be handled remotely. The Court reopened for in-person, non-essential matters as of June 15, 2020. By continuing operations pursuant to public health guidance, the Court was able to safely conduct Court while avoiding creating a significant backlog of cases.

This document updates the previous Brookhaven Municipal Court Reopening Plan dated July 20, 2020, to address the expiration of the Georgia Supreme Court’s Declaration of Statewide Judicial Emergency on June 30, 2021. This document outlines the requirements and procedures for the Court to remain open, taking into consideration both our legal mandates as well as public health guidance¹ and the recent resurgence of COVID-19 variants in the community.

These updated guidelines are intended to meet the requirements of the United States and Georgia constitutions and applicable statutes and court rules, including the public’s right of access to judicial proceedings and a criminal defendant’s rights to confrontation and open courtrooms. Implementation of the public health guidance is necessary for the protection of court staff, security personnel, defendants, victims, witnesses, attorneys, and the general public. Keeping the court open to the public is constitutionally required and maintains the transparency and confidence in our system of justice.

¹ “Public health guidance” means “the most specific current guidance provided by the federal Centers for Disease Control (CDC), the Georgia Department of Public Health (DPH), and [the] local health [department].” Supreme Court Order, p. 1, May 11, 2020.

Operationalizing these guidelines will require the continued assistance and cooperation of multiple City departments, staff, and contractors, including the clerk's office, the police department, the solicitors, the interpreter(s), the IT department, finance/purchasing department, the communications department, the sanitation contractors, and the judges.

II. Court Schedule

The Court reopened regularly scheduled in-person court sessions on June 15, 2020, with its twice per week arraignment calendars and once per month trial calendar. The trial calendars recommenced on July 15, 2020.

III. Procedures for In-Person Court Sessions

The Court holds in-person court sessions for arraignments, trials, failure to appear (FTA) hearings, probation revocation hearings, and motion hearings. Each of these presents unique challenges for in-person interaction and will be specifically addressed below. Until further notice, several general procedures for all in-person court sessions will continue to be followed:

1. Prior to entry into the publicly accessible areas of the Brookhaven Public Safety Building, individuals (including court personnel) are required to:
 - a. Notify court personnel if they are experiencing any COVID-19 symptoms.
 - b. Wear a face mask covering the nose and mouth at all times while inside the publicly accessible areas of the building while court is in session. Masks will be provided to individuals who do not bring their own.
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6. Chairs in the courtroom shall be spaced to maintain six feet of distance between individuals. The floor is marked where chairs should be placed.
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8. The courtroom will be cleaned and sanitized between court sessions.
9. Online, outside the building, and in the lobby general guidelines will be posted in English and Spanish.

A. Arraignments

The Court's largest calendars are for arraignments, which often also include FTA hearings and probation revocation hearings. Typical arraignment calendars have 40-80 defendants on them. Not all defendants appear for their arraignment; however, defendants that do appear frequently bring counsel, family, and friends. Also present in Court for arraignments are eight additional individuals – a judge, a solicitor, two clerks, a probation officer, an interpreter, and at least two police officers.

Until further notice, arraignment calendars will be capped at 40 defendants per session. Arraignment calendar sessions will generally be held at 2 p.m. and 3:30 p.m. on Mondays and Thursdays, except for holidays. If additional arraignment dates become necessary to adhere to social distancing guidelines and to clear any backlog, the Court will add additional arraignment dates or times as necessary to allow for social distancing.

1. **Jail Cases.** Efforts will be made to keep incarcerated defendants separate from non-incarcerated defendants in an effort to social distance the jail population from the general public. Incarcerated defendants will be brought into the Court at 1 p.m. on arraignment days and returned to the jail after their case is concluded.
2. **Probation Cases.** The Probation Office may schedule probation hearings for 3:30 on arraignment dates or 9:30 a.m. on trial dates unless the probationer is incarcerated. (See Probation section below).

B. Failure to Appear (“FTA”) Hearings

FTA Hearings occur when a defendant has failed to appear for his regularly scheduled court date and a bench warrant was issued for his arrest. The defendant is almost always in police custody and brought over from the DeKalb County Jail. Because the defendant is in custody, these are not regularly scheduled, but occur as needed during the Court's regular arraignment or trial calendars, or if Court is closed for a long period of time, then on an ad hoc basis.

To avoid interaction and potential cross-infection between the jail population and the general public, jail cases will be brought into Court at 1 p.m. on arraignment days unless and until a remote option becomes available. The Court and the police department will continue to explore securing a remote hearing option between the Court and the DeKalb County Jail through video conferencing.

C. Probation Revocation Hearings, Warrants, and Tolling

To the extent possible, all probation hearings will be scheduled in consultation with the Clerk's Office for 3:30 p.m. on arraignment dates or 9:30 a.m. on trial dates. Probation hearings may be scheduled for the next available arraignment date at 1 p.m. if the probationer is incarcerated.

D. Motion Hearings

To the extent possible, all motion hearings will be conducted virtually via telephone or a widely available communications application, such as FaceTime, Skype, Zoom, etc. If unable to be held virtually, motion hearings will be scheduled for 1 p.m. on regular trial dates or, when appropriate, in coordination with the solicitor and defense counsel.

E. Trials

Trials will be held as regularly scheduled, generally the third Wednesday of the month, at 8:30 a.m. Because of the additional individuals needed for trials (police, victims, witnesses, etc.), the trial calendars will be limited to 10 defendants. If additional trial dates become necessary to adhere to social distancing guidelines, the Court will add additional trial dates.

IV. Continuances and Bench Warrants

Because of the concern for those impacted by or susceptible to COVID-19, the court will liberally consider motions for continuance.

The court will consider issuing bench warrants for failures to appear at arraignments and trials.

V. Courtroom and Entry Setup

The courtroom has been modified to provide a minimum of 6 feet of distance between chairs. The podium, tables where the solicitor and probation meet with parties, and security stations have been fitted with a "sneeze guards" providing a physical barrier. To cut down on the need for passing significant amounts of papers back and forth, the Court has increased use of electronic signature of documents.